

Message Text

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ORIGIN AF-04

INFO OCT-01 SS-14 ISO-00 NSC-10 NSCE-00 L-02 CIAE-00

INR-10 NSAE-00 RSC-01 SCS-01 SCA-01 PRS-01 EB-03

SSO-00 INRE-00 /048 R

DRAFTED BY AF/E:GGAY:SM X20857

APPROVED BY AF/E:WBCOOTE

L/AF:MR. HOFFMAN

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FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI IMMEDIATE

S E C R E T STATE 009128

LIMDIS

E.O. 11652: GDS

TAGS: BDIS, CPRS, KE, US

SUBJECT: KENYAN GOVERNMENT EXPELS U.S. BUSINESSMAN

REF: NAIROBI 367 AND 401

1. DEPARTMENT CONCURS THAT EMBASSY DEMARCHE SHOULD AWAIT ARRIVAL ESSO AFRICA VICE PRESIDENT LYDDON AND THAT CHARGE SHOULD CONFER WITH HIM BEFORE DECIDING WHAT IF ANY ORAL REQUEST TO MAKE CONCERNING POSSIBLE RETURN OF SKANE. OUR GENERAL FEELING HERE IS THAT KENYANS WILL NOT WANT SKANE BACK AND THAT, BECAUSE OF RECENT INCIDENT, HE WOULD NOT BE ABLE TO PERFORM WITH MAXIMUM EFFECTIVENESS IF HE WERE TO RETURN. EMBASSY SHOULD NOT SUPPORT DIRECTLY WITH GOK EITHER ORALLY OR IN WRITING ANY EFFORT BY ESSO SEEKING SKANE'S RETURN TO DUTY WITHOUT FIRST CLEARING WITH DEPT. CHARGE AUTHORIZED AT HIS DISCRETION SUPPORT ANY APPROACH TO GOK TO PERMIT SKANE TO RETURN FOR SHORT PERIOD TO WIND UP HIS AFFAIRS.

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2. GIVEN THE CIRCUMSTANCES SURROUNDING THIS INCIDENT

DEPARTMENT SEES NOTHING TO BE GAINED BY REQUESTING GOK TO PRODUCE AN EXPLANATION OF SKANE'S EXPULSION. PREFER SIMPLY TO LODGE A COMPLAINT AGAINST HIS HASTY EXPULSION AND THE FACT THAT NO EXPLANATION WAS PROVIDED. DEMARCHE MIGHT LOGICALLY CONTAIN FACTUAL SUMMARY OF HASTE OF EXPULSION, EMBASSY'S ATTEMPTS TO REVIEW EXPULSION WITH APPROPRIATE GOK OFFICIALS AND REFUSAL OF GOK GIVE SKANE OPPORTUNITY PICK UP MONEY AND PASSPORT, MUCH LESS WIND UP AFFAIRS,PRIOR TO DEPARTURE.

3. THE FOLLOWING NOTE SHOULD BE SUBMITTED TO GOK WHETHER OR NOT CHARGE MAKES ORAL DEMARCHE: FOLLOWING COMPLIMENTS QUOTE... AND REFERS TO THE EXPULSION FROM KENYA OF MR. JAMES F. SKANE, AN AMERICAN CITIZEN, WHO WAS REQUIRED TO DEPART KENYA ON THREE HOURS NOTICE WITHOUT BEING GIVEN AN OPPORTUNITY TO RETURN TO HIS RESIDENCE, ARRANGE FOR THE DEPARTURE OF HIS FAMILY, CONCLUDE HIS PERSONAL BUSINESS, OR ARRANGE FOR THE DISPOSITION OF HIS PROPERTY.

WHILE THE USG RECOGNIZES THE INHERENT RIGHT OF EACH SOVEREIGN TO EXCLUDE OR EXPEL ALIENS AT ANY TIME AND FOR ANY REASON, SUCH EXPULSIONS MAY NOT, CONSISTENT WITH GENERALLY RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW, BE EFFECTED IN A MANNER WHICH DEPRIVES THE ALIEN OF MINIMUM PROTECTIONS. THESE PROTECTIONS INCLUDE BEING INFORMED OF THE REASONS FOR THE EXPULSION AND BEING PROVIDED AN OPPORTUNITY TO PROTECT HIS PROPERTY BEFORE LEAVING THE COUNTRY. THE EXPULSION OF MR. SKANE WAS NOT CONDUCTED IN ACCORDANCE WITH THOSE REQUIREMENTS. THE USG EARNESTLY HOPES THAT IN THE FUTURE THE GOK WILL COMPLY WITH THE REQUIREMENTS IMPOSED BY INTERNATIONAL LAW WHEN DEALING WITH AMERICAN CITIZENS, JUST AS THE USG AFFORDS SUCH TREATMENT TO KENYAN CITIZENS IN THE UNITED STATES. END QUOTE.

4. DEPT HAS SEEN NOTHING ON SKANE EXPULSION ON WIRE SERVICES. RUSH

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